



**PAUL R. LePAGE**  
GOVERNOR

**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**  
**MAINE FOREST SERVICE**  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

**WALTER E. WHITCOMB**  
COMMISSIONER

## **PERMIT**

### **ROAD PERMIT RP 16036**

The staff of the Maine Forest Service, after reviewing the application and supporting documents submitted by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands for Road Permit RP 16036, finds the following facts:

1. Applicant: State of Maine  
Department of Agriculture, Conservation and Forestry  
Bureau of Parks and Lands  
106 Hogan Road, Suite #7  
Bangor, ME 04401
2. Agent: Mark Deroche  
Park Manager  
Lily Bay State Park  
13 Myrle's Way  
Beaver Cove, Maine 04441
3. Date of Completed Application: October 03, 2016
4. Location of Proposal: Beaver Cove, Piscataquis County
5. Zoning: (P-UA) Unusual Area Protection Subdistrict
6. Approximate Time Period of Operations: October 2016 through December 31, 2021

### **Proposal**

7. The applicant proposes to expand an existing 1 acre pit to a maximum of 2 acres in size, with only 0.5 acres active at any time.
8. The material mined will only be used for new projects, repair and maintenance of facilities in Lily Bay State Park.
9. The applicant proposes to remove 2000 cubic yards of gravel.
10. The nearest waterbody is Moosehead Lake which is at a distance of 580 feet.
11. Park staff will utilize all necessary erosion control methods to minimize erosion and sedimentation resulting from the face of the gravel pit.

**DOUG DENICO, DIRECTOR**  
MAINE FOREST SERVICE  
18 ELKINS LANE, HARLOW BUILDING



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**Review Comments**

12. The State Soil Scientist stated that he has no concerns but offered the following:
  - A. The best method to handle erosion/runoff issues is to provide for the pit to be internally drained. Sediment will be trapped in the pit, and runoff water will drain through the gravel.
  - B. The gravel extraction should maintain a minimum 5 foot separation from the seasonal groundwater table. The groundwater table can be determined by excavating pits to observe soil profiles or installing groundwater monitoring wells. If the applicant chooses to observe soil profiles, I would be happy to be the soil scientist to determine groundwater table depth on the basis of soil morphology.
  - C. Extraction equipment fueling should be restricted to an area that has been prepared to prevent spills from leaking into the gravel and then into the groundwater table. That can be done by packing some topsoil and then creating a slight berm to contain any spills. The pit should also have a spill containment kit handy in the event of a hose break or other leak in the pit.
13. The Regional Fisheries Biologist and the Regional Wildlife Biologist stated that they had no comment.
14. The Maine Natural Areas program stated that there are no known occurrences of threatened, rare or endangered plants in the harvest area, but there is an occurrence of bull thistle (an invasive species) located in the old pit area.
15. The Land Use Planning Commission Environmental Specialist who reviewed the permit application stated that he had no concerns with the project.

**Findings**

16. A field visit was conducted October 6, 2016. The field visit showed the permit application was complete and accurate.
17. There are no streams or wetlands within 250 feet of the site.
18. There is no evidence of seasonal groundwater rising through the floor of the existing pit.

The information provided in the application, along with an MFS inspection of the site conditions in the area to be mined, demonstrate that the petitioner has met its burden of proof and satisfied the requirements of Chapter 27, Section 6.

Based upon the above proposal, the MFS concludes that the proposal will meet the Criteria for Approval, 12 M.R.S. §Section 685-A(1) of the Commission's Statutes, and Maine Forest Service Rules, Chapter 27.

**Therefore, the MFS staff approves the application of the Bureau of Parks and Lands with the following conditions:**

1. The extraction activities must be conducted in the manner described in the permit application and gravel pit addendum.
2. The bull thistle located in the existing pit area must be exterminated prior to the opening of the expansion area or at the beginning of the next growing season following expansion to prevent spread.
3. The depth of gravel extraction must not be lower than the floor of the existing pit area without the approval of the State Soil Scientist.
4. The floor of the pit expansion area must be shaped in such a manner as to trap runoff within the area of the expansion to permit the water to be trapped and to filter through the gravel floor.
5. A fueling pad must be constructed to prevent fuel spillage from leaching through the gravel and into the groundwater, and a fuel spill kit must be onsite at all times when gravel is being extracted.

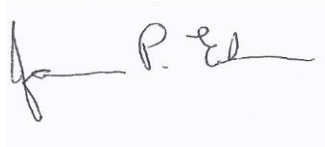
**ROAD PERMIT RP 16036**

6. The gravel extraction authorized in this permit can commence on the effective date of this permit and must be completed within the time outlined in Section 6 above. If such activities are not started and completed within this time period, this permit lapses, and no activities may then occur unless and until a new permit or extension to the existing permit has been granted by the MFS.
7. All extraction activities must be done according to the standards in Chapter 27 Standards for Timber Harvesting and Timber Harvesting Related Activities within Unorganized and Deorganized Areas of the State, Section 6 as applicable.

If no person requests that the Maine Forest Service review the decision of staff within 30 days of the date of this staff decision, this permit becomes final agency action subject to review of the Maine Administrative Procedure Act. Pursuant to 5 M.R.S. §§ 11001 *et seq.*, a person aggrieved by an MFS permit decision may appeal the MFS's final action to Superior Court. As part of such an appeal, a person aggrieved may seek judicial review of the components of MFS's final action and permitting decision.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Maine Forest Service review the decision.

DONE AND DATED AT OLD TOWN, MAINE, THIS 18<sup>th</sup> DAY OF OCTOBER, 2016.

A handwritten signature in black ink, appearing to read "J. P. Ecker", is written over a light blue rectangular background.

James P. Ecker, LF 612  
Regional Enforcement Coordinator  
Maine Forest Service  
Box 415  
Old Town, Maine 04468